

WSR 22-08-089
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 5, 2022, 1:31 p.m., effective May 6, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: RCW 70.24.290 was amended (HB [ESHB] 1551, 2020) and directed the office of superintendent of public instruction to adopt rules concerning educating and training school employees on the prevention, transmission, and treatment of blood-borne pathogens. Previously, the requirement was for education and training concerning HIV/AIDS but has been amended to include blood-borne pathogens. The rule making amends chapter 392-198 WAC to modernize the rule language and destigmatize HIV/AIDS by updating school employee training and education for blood-borne pathogens. A more generalized approach to training staff concerning blood-borne pathogens is necessary for effective prevention of potential disease transmission.

Citation of Rules Affected by this Order: Repealing WAC 392-198-020 and 392-198-025; and amending WAC 392-198-005, 392-198-010, 392-198-015, and 392-198-030.

Statutory Authority for Adoption: RCW 70.24.290.

Adopted under notice filed as WSR 22-05-071 on February 15, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 2.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 4, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 31, 2022.

Chris P. S. Reykdal
State Superintendent of Public Instruction

OTS-3476.1

Chapter 392-198 WAC
TRAINING—SCHOOL EMPLOYEES—((HIV/AIDS)) BLOOD-BORNE PATHOGENS

AMENDATORY SECTION (Amending WSR 91-18-006, filed 8/23/91, effective 9/23/91)

WAC 392-198-005 Authority. The authority for this chapter is RCW 70.24.290 which ((authorizes)) requires the superintendent of pub-

lic instruction to adopt rules (~~((that require))~~) mandating appropriate education and training (~~((of))~~) for public school employees (~~((about))~~) on the transmission, prevention, and treatment of (~~((HIV/AIDS))~~) diseases caused by blood-borne pathogens as defined by RCW 70.24.017(1). The superintendent of public instruction is further required to develop the course content and educational material necessary in consultation with the department of health (~~((under RCW 70.24.250))~~). OSPI is adopting rules from chapter 296-823 WAC unless otherwise provided here.

[Statutory Authority: RCW 70.24.290. WSR 91-18-006 (Order 91-16), § 392-198-005, filed 8/23/91, effective 9/23/91.]

AMENDATORY SECTION (Amending WSR 91-18-006, filed 8/23/91, effective 9/23/91)

WAC 392-198-010 Purpose ((s)). The purpose of this chapter is to provide public school districts with the mandatory (~~((and supplement-
tal))~~) course content requirements for training school district employees regarding the transmission, prevention, and treatment of (~~((HIV/
AIDS))~~) diseases caused by blood-borne pathogens.

[Statutory Authority: RCW 70.24.290. WSR 91-18-006 (Order 91-16), § 392-198-010, filed 8/23/91, effective 9/23/91.]

AMENDATORY SECTION (Amending WSR 91-18-006, filed 8/23/91, effective 9/23/91)

WAC 392-198-015 Course content requirements for ((HIV/AIDS))
blood-borne pathogen inservice training—Mandatory. (~~((Pursuant to RCW
70.24.250 and))~~) In accordance with RCW 70.24.290, the (~~((HIV/AIDS))~~) blood-borne pathogen training provided by public school districts (~~((shall))~~) must include(~~((:~~)

- ~~((1) History and epidemiology of HIV/AIDS;~~
- ~~((2) Methods of transmission of HIV;~~
- ~~((3) Methods of prevention of HIV including universal precautions for handling of body fluids;~~
- ~~((4) Current treatment for symptoms of HIV and prognosis of disease progression;~~
- ~~((5) State and federal laws governing discrimination of persons with HIV/AIDS;~~
- ~~((6) State and federal laws regulating confidentiality of a person's HIV antibody status))~~ the elements outlined in WAC 296-823-12005 with an emphasis on basic, essential skills such as handwashing and use of personal protective equipment.

[Statutory Authority: RCW 70.24.290. WSR 91-18-006 (Order 91-16), § 392-198-015, filed 8/23/91, effective 9/23/91.]

AMENDATORY SECTION (Amending WSR 91-18-006, filed 8/23/91, effective 9/23/91)

WAC 392-198-030 New employee training. Each school district ~~((shall))~~ must ensure that newly hired school district employees ~~((shall))~~ receive the ~~((HIV/AIDS))~~ blood-borne pathogens training prescribed in WAC 392-198-015 ~~((within six months from the first day of employment in the district))~~ prior to assigning tasks where occupational exposure might occur and at least annually and within one year of the previous training, in alignment with WAC 296-823-12005.

[Statutory Authority: RCW 70.24.290. WSR 91-18-006 (Order 91-16), § 392-198-030, filed 8/23/91, effective 9/23/91.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-198-020	Course content requirements for HIV/AIDS inservice training—Supplemental.
WAC 392-198-025	Continuing inservice.